

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Edward Tsigel	Team: Squad #4	CCRB Case #: 201909957	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/07/2019 4:30 PM	Location of Incident: 46th Precinct stationhouse	Precinct: 46	18 Mo. SOL 5/7/2021	EO SOL 12/22/2021	
Date/Time CV Reported Thu, 11/07/2019 9:45 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/15/2019 9:09 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joshua Jiminez	06074	963583	046 PCT
2. POF Massiel Pena	4208	967643	046 PCT
3. POF Daphney Pamphile	04657	940545	046 PCT
4. POM Joel Milian	06760	966223	046 PCT
5. POM Jesus Matos	03490	964637	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joshua Jiminez	Abuse: Police Officer Joshua Jiminez stopped § 87(2)(b)	
B.POF Massiel Pena	Abuse: Police Officer Massiel Pena stopped § 87(2)(b)	
C.POF Daphney Pamphile	Abuse: Police Officer Daphney Pamphile stopped § 87(2)(b)	
D.POM Joel Milian	Abuse: Police Officer Joel Milian stopped § 87(2)(b)	
E.POM Jesus Matos	Abuse: Police Officer Jesus Matos stopped § 87(2)(b)	
F.POM Joshua Jiminez	Abuse: Police Officer Joshua Jiminez did not process 's complaint regarding officers.	

## Complaint Summary

On November 7, 2019, § 87(2)(b) called the NYPD Internal Affairs Bureau and filed this complaint (original log #19-40405)—a spinoff of which was forwarded to the CCRB on November 15, 2019. On November 7, 2019, at approximately 4:30 p.m., § 87(2)(b) went to the 46th Precinct stationhouse. While walking up the steps of the stationhouse § 87(2)(b) was stopped when Police Officer Joshua Jiminez of that precinct stuck his arm out in front of § 87(2)(b) was surrounded by four additional 46th Precinct officers—Police Officers Jesus Matos, Joel Milian, Massiel Pena, and Daphney Pamphile, and told by PO Jiminez that he was not allowed to come into the stationhouse (**Allegations A, B, C, D, and E: Abuse of Authority - Stop**). § 87(2)(b) argued that he was able to go into the stationhouse, because it was a public place. The officers refused to let him into the stationhouse at which time § 87(2)(b) told PO Jiminez that he wanted to file a complaint against the officers and PO Jiminez said that he would not help § 87(2)(b) create a complaint (**Allegation F: Abuse of Authority – Refusal to process civilian complaint**).

PO Jiminez, PO Matos, PO Milian, PO Pena, and PO Pamphile were identified as subject officers because § 87(2)(b) provided photos of the officers' name badges and shields except for PO Jiminez, whose name and shield he remembered and provided. All the officers' names and shield numbers matched the MOS roster for the 46 PCT.

Mediation was offered to § 87(2)(b) and he accepted because he wanted an apology from the officers and to discuss the officer's actions during the incident.

## Results of preparing the case for mediation

On December 3, 2019, Kaitlin Campbell, in the Alternative Dispute Resolution (ADR) Unit, reviewed this case and put it into the mediation process. On December 3, 2019, Kaitlin Campbell contacted § 87(2)(b) to inform him that his case was being processed. On January 3, 2020, Kaitlin Campbell sent § 87(2)(b) a status update letter. On February 3, 2020, Kaitlin Campbell sent § 87(2)(b) a status update letter. On March 3, 2020, Kaitlin Campbell sent § 87(2)(b) a status update letter.

On May 5, 2020, Kaitlin Campbell called and spoke with § 87(2)(b) and informed him that the CCRB's offices closed due to COVID-19 on March 20, 2020 and that his case was still awaiting DAO Approval. On June 30, 2020, Kaitlin Campbell attempted to contact § 87(2)(b) to ask his interest in virtual mediation but was unable to leave a message because his phone was out of service. On August 3, 2020, Kaitlin Campbell attempted to contact § 87(2)(b) but was unable to leave a message because his phone was out of service. On September 3, 2020, Kaitlin Campbell attempted to contact § 87(2)(b) but was unable to leave a message because his phone was out of service. On October 5, 2020, Kaitlin Campbell attempted to contact § 87(2)(b) but was unable to leave a message because his phone was out of service. On November 9, 2020, Kaitlin Campbell attempted to contact § 87(2)(b) but was unable to leave a message because his phone was out of service. On December 9, 2020, Kaitlin Campbell attempted to contact § 87(2)(b) but was unable to leave a message because his phone was out of service. On January 11, 2021, Kaitlin Campbell attempted to contact § 87(2)(b) but was unable to leave a message because his phone was out of

service. On February 11, 2021, Kaitlin Campbell attempted to contact § 87(2)(b) but was unable to leave a message because his phone was out of service. On March 11, 2020, Kaitlin Campbell attempted to contact § 87(2)(b) but was unable to leave a message because his phone was out of service. On April 14 2021, Kaitlin Campbell attempted to contact § 87(2)(b) but was unable to leave a message because his phone was out of service. Kaitlin Campbell was not able to email § 87(2)(b) because no email address was listed in the 245. On April 28, 2021, Kaitlin Campbell conducted a search for § 87(2)(b) the NYC Department of Correction's database and no inmates were found.

Kaitlin Campbell reviewed updated copies of PO Jiminez's, PO Matos's, PO Milian's PO Pena's, and PO Pamphile's CCRB histories to the case file on April 28, 2021. PO Jiminez had been named as a subject officer in case #202003712 and PO Matos had been named as a subject officer in case #202100858 since this complaint was filed. PO Milian, PO Pena, and PO Pamphile had not been named in any case since this complaint was filed.

### **Recommendation**

Given Kaitlin Campbell's inability to contact § 87(2)(b) to confirm that § 87(2)(b) was withdrawing the complaint of his own free will and was not coerced by anyone from the NYPD or CCRB, § 87(2)(g)

Mediation Coordinator: Kaitlin Campbell

Date: 4/28/21

Director of Mediation: Lisa Grace Cohen

Date: 5/4/21